

Docket and File

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKMr. James Forbes

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>12/29/15</u>

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The City of New YorkSergeant Patrick Romain Shield 5132AMENDED  
COMPLAINTunder the Civil Rights Act,  
42 U.S.C. § 1983Jury Trial: ☒ Yes ☐ No  
(check one)15 Civ. 3458 (GHW)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

## I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's

Name Mr. James ForbesID# 15A-3962Current Institution Sing Sing Correctional FacilityAddress 354 Hunter Street  
Ossining, New York 10562

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name The City of New York

Shield #

Where Currently Employed

Address

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S.D. OF N.Y.

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S.D. OF N.Y.

Defendant No. 2

Name Sergeant Patrick Romain Shield # 5132

Where Currently Employed \_\_\_\_\_

Address 315 Hudson Street  
New York, New York 10013

Defendant No. 3

Name \_\_\_\_\_ Shield # \_\_\_\_\_

Where Currently Employed \_\_\_\_\_

Address \_\_\_\_\_

Who did  
what?

Defendant No. 4

Name \_\_\_\_\_ Shield # \_\_\_\_\_

Where Currently Employed \_\_\_\_\_

Address \_\_\_\_\_

Defendant No. 5

Name \_\_\_\_\_ Shield # \_\_\_\_\_

Where Currently Employed \_\_\_\_\_

Address \_\_\_\_\_

**II. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

N/A

B. Where in the institution did the events giving rise to your claim(s) occur?

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

June 15, 2011

D. Facts: \_\_\_\_\_

See AttachedWhat  
happened  
to you?

① nature of claim: is emotional and psychological injuries and monetary damages, sustained by plaintiff James Forbes, as well as, civil rights violations, including those under the first, fourth, fifth, eighth, and fourteenth Amendments of the United States Constitution, as well as the rights, privileges and immunities secured under 42 USC - section 1983 the Equal protection clause of the U.S. Constitution and the of the State of New York along with all other applicable laws, statutes and regulations.

The above damages stem from the negligent, careless, reckless and intentional misconduct of the City of New York, its agents, servants, employees, and those acting under the color of state law, its direction, behest, permission and control in process of providing police services, see attached.

Was anyone else involved?

Who else saw what happened?

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

see attached to statement of facts.

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes \_\_\_ No ☒



Specifically police officer Sergeant Patrick Romain  
 Shield 5732 of the 1st precinct, New York County  
 individually and in his official capacity  
 as a New York City police officer.

The claim occurred on or about June 15,  
 2011 in New York County at a restaurant  
 located at Delaney and Ruled Streets.  
 City and State of New York.

When the plaintiff James Forbes, who had  
 lawfully entered the premises and upon  
 exiting was unlawfully arrested, excessively  
 restrained by being placed in tightly  
 applied handcuffs, unlawfully seized  
 and then searched, unlawfully detained  
 and incarcerated. Thereafter, he had  
 been maliciously prosecuted despite  
 evidence of his innocence by being  
 falsely accused of a crime he did not  
 commit.

That at no time did plaintiff James  
 Forbes, resist arrest or disobey the  
 arresting officer's command and he was  
 never charged with any such crime.

The plaintiff James Forbes, spent  
 several days, incarcerated and was  
 clearly denied his due process rights  
 until the criminal court charges



under Docket number \_\_\_\_\_ were dismissed and such false arrest, unjustified and unlawful imprisonment, and violated malicious prosecution his civil rights of the plaintiff James Forbes.

That said occurrences and injuries sustained by plaintiff James Forbes, were due to the mis conduct of the City of New York, its agents, servants, and/or Employees in the course of his duties as police officer; in failing to adequately supervise and instruct said arresting officer(s) as to the proper practices and procedures in the discharge of his duties; in violating plaintiff James Forbes civil rights; in having negligent hiring practices; in failing to properly investigate Employees and potential employees, and the City of New York, its agents, servants, and/or Employees were otherwise careless, reckless, and negligent.

Upon information and belief, the City of New York is identified as police officer Sergeant Patrick Romain Shield #132 of the First Precinct New York County.

~~History of facts~~  
Plaintiff, James Forbes, sustained severe and permanent physical, emotional and psychological injuries, as well as, monetary damages, the full extent of which are as yet unknown, including but not limited to, upon information and belief anxiety, emotional distress, upsets, flashback and mental anguish.

During the time in custody, plaintiff James Forbes, was repeatedly caused to feel helpless, disgraced, intimidated, harassed, shamed and ridiculed and lost his wife to death.

As a result of the plaintiff's anguish he seeks compensatory damages in the amount of one million dollars \$1,000,000 and punitive damages in the amount of fifty thousand dollars \$ 50,000.00

Respectfully  
James Forbes.



If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☒

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

N/A

1. Which claim(s) in this complaint did you grieve?

N/A

2. What was the result, if any?

N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

N/A

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

**V. Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). As of the negligence which resulted in personal injuries due to the careless, reckless, and intentional acts of its agents, servants, employees in violating plaintiff's civil rights, under the 1st, 4th, 5th, 14th, 16th, 8th and 14 Amendments, the plaintiff seeks damages in the amount of one million dollars \$1,000,000.00 and fifty thousand dollars \$50,000.00 in punitive damages.



On  
these  
claims

**VI. Previous lawsuits:**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_\_\_ No ✓

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

On  
other  
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No ✓

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit ✓

6. Is the case still pending? Yes \_\_\_\_ No ✓  
If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed this 11 day of September, 2015

Signature of Plaintiff

Mr. James Forbes

Inmate Number

15A 3962

Institution Address

Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, New York 10562

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 11 day of September, 2015, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Mr. James Forbes



ING CORRECTIONAL FACILITY  
INTER STREET  
ING NEW YORK 10562

Mr. James Forbes DIN: 15A3962



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Att: Mr. Gregory H. Woods, District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

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DEC 29 2015  
GREGORY H. WOODS  
U.S. DISTRICT JUDGE  
S.D.N.Y.

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NEW YORK STATE  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
OFFENDER CORRESPONDENCE PROGRAM  
NAME: Mr. James Forbes DIN: 15A3962